



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION
Wilbur E. "Bill" Cunningham, Chairman

SUMMARY

December 2, 2010



Thomas J. Stosur
Director

3. CITY COUNCIL BILL #10-0619/WATERFRONT MANAGEMENT DISTRICT AND WATERFRONT MANAGEMENT AUTHORITY – RENEWAL THROUGH APRIL 23, 2015

Ordinance #07-417, enacted on April 24, 2007, established a new community benefits district, to be known as the Waterfront Management District, and created an Authority and providing for its rights, duties and powers. City Council Bill #10-0169 proposes to renew the District and its Authority for five years, until April 23, 2015.

The Waterfront Management District covers the area fronting Baltimore's Inner Harbor, which is home to many of the City's largest employers. The Waterfront Partnership of Baltimore was created in October 2005 and the Waterfront Management Authority became a legal entity as of July 1, 2007.

The Partnership is dedicated to improved maintenance, beautification, and visitor services for its community's signature asset, bringing a new spirit of vitality to the entire Waterfront. Over the last few years the Waterfront Partnership has assumed several new roles. First, in order to keep the Harbor fresh and attractive as a destination - especially for repeat visitors - the Partnership has helped to plan, fundraise and build new public amenities. Second, the Partnership, as the steward of the Waterfront, has taken on a very serious role in sustainability.

In the coming years, Waterfront Partnership will continue to build on its strong foundation in performing basic services - clean, safe, hospitality, landscaping, marketing and advocacy; and will continue to seek and bring about the installation of new amenities around the Harbor to keep the Harbor fresh and attractive; and expects to realize its commitment to dramatically improving the water quality of the Harbor as a valuable resource to the region.

The following community organizations were notified of this action: Fells Point Task Force, Douglass Place Community Association, Perkins Homes Resident Advisory Council, Fells Point Community Organization, Fells Point Residents Association, Fells Point Main Street, The Preservation Society, Waterfront Coalition, Fells Prospect, Inc., Upper Fells Point Improvement Association, 1400 Lancaster Condominium, Albemarle Square, Southeast Community Development Corporation, Little Italy Business Association, Little Italy Restaurant Association, Little Italy Community Organization and Scarlett Place RCA, Inc.

Recommendation: Approval

4. CITY COUNCIL BILL #10-0448/CONDITIONAL USE PARKING, OPEN OFF-STREET AREA – 509 SOUTH WASHINGTON STREET

In the R-8 residential district, the establishment of an open, off-street parking lot as a principal use is a conditional use, requiring an Ordinance. In this case, these properties had been previously developed, but had been cleared of structures. The owner, Mr. Victor Cheswick, Jr., also owns a number of properties immediately to the north that front on Eastern Avenue: 2001, 2005, 2007-09, 2015, and 2019 Eastern Avenue. It is Mr. Cheswick's desire to use this vacant property as a parking lot to support his various tenants in this block. The SPRC reviewed and approved the proposed parking lot layout on October 27, 2010. The site plan shows 26 parking spaces, two of which are handicapped accessible. The landscaping plan shows that four trees will be provided. The proposed screening walls will need separate approval from the Commission for Historical & Architectural Preservation (CHAP).

The following community organizations have been notified of this action: The Banner Neighborhoods Community Corporation, the Broadway Area Business Association, the Fells Point Community Organization, the Fells Point Task Force, the Fells Prospect, Inc., the Friends of Patterson Park, the Greenspace Action Partnership (GAP), the Preservation Society, the Southeast Community Development Corporation-(SCDC), the Upper Fells Point Improvement Association, and the Waterfront Coalition

Recommendation: Amendment and approval, with one amendment. The amendment is that the plans approved by the Site Plan Review Committee (SPRC), dated October 21, 2010, are attached to and made part of the Ordinance.

5. CITY COUNCIL BILL #10-0593/BUILDING, FIRE, AND RELATED CODES – 2010 EDITION

This is a required periodic adoption of the latest edition of the International Building Code (IBC), in this case the 2009 Edition, and related codes. These updates are scheduled on a three-year cycle. The last general adoption of the 2006 Code was enacted via Ordinance #07-552, dated November 26, 2007. The City's amendments listed in the bill are substantially similar to what had been previously adopted. However, Planning has identified a need for a reference to temporary greenhouses, commonly known as "hoophouses" or "polyhouses," which are utility structures are non-inhabited plastic film greenhouses that can be constructed without the need for permanent foundations.

Recently, applicants interested in local agriculture ventures have approached the City to inquire about the process for approval. It was then discovered that this type of structure was not referenced or recognized in the current or proposed version of the City's Building, Fire, and Related Codes. This created an administrative problem in that the code and permit review staff was unsure how to treat these facilities. In the end, it was determined that they can be classified as non-inhabitable, utility structures. By defining them in a specific way and providing for an exemption, these hoophouses can be constructed to a general standard that will not require a permit. If any other form of trade work, such as a commercial electric service, plumbing line, or similar is required, they would need routine work permits for those items.

Notification of this action was sent to 214 community organizations.

Recommendation: Amendment and Approval, with one amendment. The amendment is that a definition similar to the following is included to exempt hoophouses from general permit requirements:

“A temporary greenhouse, also called a 'hoophouse' or ‘polyhouse,’ used exclusively for the production and storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets all the criteria below:

- i. There is no permanent anchoring system or foundation;
- ii. There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;
- iii. The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area, the covering of which is a material no greater than six mils (152.4 micrometers) in thickness that yields approximately four pounds of maximum impact resistance to provide egress through the wall; and
- iv. The covering of the structure is of a material that conforms to NFPA 701.
- v. If a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only.”

6. STREET CLOSING/CLOSING A PORTION OF PINKNEY ROAD AND A PORTION OF A 10 FOOT ALLEY

Menlo Industrial Park, Inc. has requested the closing of portions of Pinkney Road and an alley located at the rear of Lot 13, Block 4281. Menlo Industrial Park, Inc. owns all adjoining properties. They are requesting the Pinkney Road closing to ensure access for development of their adjoining property in the future. Plans for the alleyway are to consolidate this area with adjoining privately-owned properties into one lot for redevelopment.

It is staff’s finding that this portion of Pinkney Road and the 10-foot alley are not needed to provide access to adjacent properties. Thus, the subject streets and alleys are no longer needed for public purposes and can be closed; the right-of-ways declared surplus property and sold.

In advance of today’s hearing on this matter, staff mailed the CHAI-Comprehensive Housing Assistance., Inc., Glen Neighborhood Improvement Association., Inc., Northwestern District Police-Community Relations Council, Park-Reist Corridor Coalition, Inc.-(PRCC), Pimlico Community Council, Reisterstown Road Merchants Coalition, Development Corporation of Northwest Baltimore-(TDC), The Garrison Restorative Action and Community Empowerment Northwest Community Action Center notification of this action.

Recommendation: Approval, subject to comments from the Department of General Services.

7. CITY COUNCIL BILL #10-0591/REZONING – 923-937 EASTERN AVENUE

(Postponed to a later date)

8. CITY COUNCIL BILL 10-0592/URBAN RENEWAL – OLDTOWN – AMENDMENT

CITY COUNCIL BILL 10-0487/ZONING – CONDITIONAL USE PAWNSHOP – 533/535 OLDTOWN MALL

These are companion bills required to permit the relocation of an existing business from its previous location at 529 Oldtown Mall, where it was a tenant of that property, to 533 Oldtown Mall, two doors northward, where it will become a commercial owner-occupant of a larger building. This property, designated in these bills as 533/535 Oldtown Mall, is located on the east side of Oldtown Mall, formerly known as North Gay Street. This recently consolidated property, now to be known as 533 Oldtown Mall, is improved with a three-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located in the Oldtown Urban Renewal Plan area and the Oldtown Mall Historic District. The pawnshop upon relocating would occupy a vacant building over twice the size of its former location just a few doors down Oldtown Mall. To ensure that no expansion of the pawnshop use occurred, a 3,000 square foot maximum floor area, equivalent to its former floor area at 529 Oldtown Mall will be specified. There is no other pawnshop near to the subject business or this property.

These bills were first reviewed by the Planning Commission on September 2, 2010. This hearing is a continuation of that process.

Staff notified the Oldtown Merchants Association, Change4Real, and Councilman Carl Stokes of this action.

Recommendations:

- City Council Bill 10-0592: Approval (with Amendment to add 537 Oldtown Mall to 533/535 Oldtown Mall)
- City Council Bill 10-0487: Approval (with Amendment to add coverage of 537 Oldtown Mall)

CONSENT AGENDA

9. ADOPTION/AMENDED BALTIMORE CITY SUBDIVISION REGULATIONS – REVISED PROVISIONS SURROUNDING VERTICAL SUBDIVISIONS

On November 18, 2010, members of the Planning Commission voted in support of adopting new Baltimore City Subdivision Regulations, subject to amendment of the provisions surrounding vertical subdivisions. With approval from the Law Department, new language has been created that clarifies the regulatory intent: The vertical subdivision is intended to allow each land use to be located within a separate legal parcel, not to subdivide individual tenant spaces and/or residential units.

Recommendation: Approval and adoption.